

REMARKS

Claims 1-13 are pending. Pursuant to the Examiner's suggestion, applicant has amended claim 9 to recite "as compared to yeast cells not having been so cultured." This amendment is further discussed below in the context of the Examiner's rejections. No new matter is introduced by the amendment.

Information Disclosure Statement

The Examiner has objected to the Information Disclosure Statement that applicant filed April 23, 2004 as not including a list of references (Form PTO-1449). Applicant apologizes for any inadvertent omission of the PTO-1449 form. Applicant believes that the form was included with the Information Disclosure Statement. To complete the file, however, applicant encloses a copy of the Information Disclosure Statement and the corresponding Form PTO-1449, as filed April 23, 2004. Applicant also thanks the Examiner for the November 22, 2004 telephonic interview with applicant's undersigned representative Haitao Sun for clarifying this issue.

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 9 and claims dependent therefrom as being indefinite. Specifically, the Examiner states that claim 9 is not clear on whether the plurality of yeast cells in the presence of an alternating electric field has been modified. The Examiner suggests that, to indicate that the yeast cells have been modified, applicant insert in claim 9, after the term "epilepsy", the phrase "as compared to yeast cells not having been so cultured."

Applicant has amended claim 9 accordingly.

Double patenting rejections

Claims 1-13 stand rejected, under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 1-9 of United States Patent 6,709,849. Claims 1-13 stand provisionally rejected, also under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 1-13 of copending United States Application 10/717,158, claims 1-10 of copending United States Application 10/717,272, and claims 1-11 of copending United States Application 10/717,135.

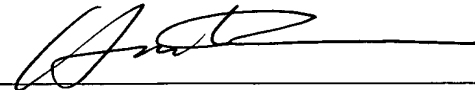
Ultra Biotech Limited, the assignee of this application, files herewith a terminal disclaimer under 37 C.F.R. § 1.321(b) and (c), disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the '849 patent, or any patent to be granted on the '135, '158 or '272 application. This rejection can now be withdrawn.

Appl. No. 10/717,137
Amdt. dated November 24, 2004
Response to August 25, 2004 Office Action

CONCLUSION

Applicant respectfully submits that the application as amended is in condition for allowance, and early, favorable action is solicited.

Respectfully submitted,



Z. Ying Li (Reg. No. 42,800)
Attorney for Applicant
Haitao Sun (Reg. No. 48,546)
Agent for Applicant
Fish & Neave LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000